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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,476	01/10/2007	Claus Dietze	DIET3003/JEK	3734
23364 7590 07/02/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
WALSH, DANIEL I				
ART UNIT		PAPER NUMBER		
2887				
MAIL DATE		DELIVERY MODE		
07/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/558,476

**Applicant(s)**

DIETZE, CLAUS

**Examiner**

DANIEL WALSH

**Art Unit**

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-28-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 1-6-06, 3-21-06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, rejected under 35 U.S.C. 102(b) as being anticipated by Vilppula et al. (WO 0069183), as cited by the Applicant..

Re claim 1, Vilppula et al. teaches a chip card with at least one application for which an implementation and an entry referring to the implementation are present on the chip card, and wherein a plurality of entries referring to the same implementation are present on the chip card (applications 60-68, abstract, and page 3, lines 1+).

Re claim 2, Vilppula et al. teaches entries characterizing different virtual applications refer to the same implementation, as discussed above, where different application program groups have a degree of overlap.

Re claim 3, page 3, lines 10+ teaches that a single access code can be used, which is interpreted as a freely selectable information sequences.

Re claims 1, 3, and 5, page 5, lines 3+ are interpreted as freely selectable information sequences associated with the entries (users) that have specification for execution of the associated implementation.

Re claim 6, this claim is a matter of intended use, and therefore is not patentable.

Nonetheless, Vilppula et al. teaches the limitations (page 1, lines 2+).

Re claim 7, network access authorization is understood (access to a portable/cellular phone network) and a corresponding plurality of telephone applications, as discussed above. Further, the Examiner notes that the intended use of a device is not patentable.

***Claim Rejections - 35 USC § 103***

3. Claims 4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilppula et al., as discussed above.

Re claim 4, though silent to different access codes per user, it would have been an obvious expedient to have different access codes/logins for security.

Re claim 8, (page 11, table) shows entries for the applications, and proving a network access authorization is part of logging in. It is a matter of design variation, as disclosed, as to which implementations are the same/different for the entries. Therefore, different entries/users would have been obvious to have different network access authorization based on design variations/system constraints, and types of applications, intended use, etc.

Re claim 9, as discussed above, the different entries have different parameters that effectuate the specific data for network access authorization (different users, for example have different data).

Re claims 10-11, the limitations have been discussed above. Though silent to referring jointly, the Examiner notes that join referring is interpreted to occur via the entry which may

have programs that overlap with other users/entries, motivated for user security while reducing memory requirements.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/  
Primary Examiner, Art Unit 2887